

Minimum Storm Water Related Language for New Land Divisions (3/06)

Certain minimum language must be recorded on the face of new subdivision plats or certified survey maps to comply with the Waukesha County Storm Water Management and Erosion Control Ordinance. The purpose of this language is to provide notice that a separate document has been recorded on the title describing the maintenance requirements for the storm water management practices located on the property.

Sample language is provided below to demonstrate what type of information needs to be included. This sample is based on a subdivision that has one outlot with one storm water basin that collects runoff from 22 lots in the subdivision. For a sample copy of a complete Storm Water Practice Maintenance Agreement, contact the Waukesha County Department of Parks and Land Use – Land Resources Division at 262-896-8300 or visit their web page at www.waukeshacounty.gov/landandparks.

(Sample) Storm Water Management Practice Maintenance

The titleholders of lots 1 through 22 of the Highland Preserve Subdivision each shall each hold 1/22 undividable interest in Outlot 1, where the storm water management practices are located. There are one or more separate documents recorded on the property title through the Waukesha County Register of Deeds entitled “Storm Water Management Practice Maintenance Agreement” (“Maintenance Agreement”) that apply to Outlot 1. The maintenance agreement subjects this subdivision plat, and all lot owners therein, to covenants, conditions and restrictions necessary to ensure the long-term maintenance of the storm water management practice. The agreement also outlines a process by which the [municipality name] may levy and collect special assessments or charges for any services the community might provide relating to enforcement of the Maintenance Agreement.

In accordance with Chapter 14 - Article VIII of the Waukesha County Code of Ordinances (“Storm Water Ordinance”), the Storm Water Permit Holder is responsible for constructing the storm water management practices following plans approved by Waukesha County [or municipality name] and is responsible for maintaining the storm water practices until permit termination by Waukesha County [or municipality name]. Upon termination of the Storm Water Permit, the owners of lots 1-22 shall be responsible for maintenance of the storm water management practices in accordance with the Maintenance Agreement.

Easements

All lands within areas labeled “drainage easement” are reserved for storm water collection, conveyance, treatment or infiltration. No buildings or other structures are allowed in these areas. No grading or filling is allowed in these areas that may interrupt storm water flows in any way. The Maintenance Agreement may contain specific maintenance requirements for these areas. The [municipality name], Waukesha County or their designee are authorized access in these areas for purposes of inspecting the storm water management practices or enforcing the terms of Maintenance Agreement.

All lands within areas labeled “access easement” shall remain clear of trees, shrubs and any structures that may interfere with the free movement of vehicles that may be needed to enter the area for maintenance purposes. The [municipality name], Waukesha County or their designee are authorized access to these areas for purposes of inspecting the storm water management practices or enforcing the terms of the Maintenance Agreement.

All lands within areas labeled “well setback” are restricted from the placement of any well due to potential risk of contamination in accordance with the Storm Water Ordinance and Wisconsin Administrative Codes.